

IN THE DRAWINGS

Please replace the Figs. 1 and 2 of record with the corrected Figs. 1 and 2 submitted herewith.

REMARKS

Claims 1-10 are pending in the present application. Claims 1, 4-8 and 10 were rejected under 35 U.S.C. §103 (a) as being unpatentable over Hellmuth et al., U.S. Patent No. 5,795,295 in view of Kempe, U.S. Patent No. 6,151,127. Claims 2, 3 and 9 were rejected under 35 U.S.C. §103 (a) as being unpatentable over Hellmuth et al. in view of Kempe, as applied to claims 1 and 8, and further in view of Kitagawa et al., U.S. Patent No. 6,297,904 B1.

Corrected Figs. 1 and 2 are submitted herewith for the Examiner's consideration.

Correction to the Drawings

Applicants have noted that reference numeral 2, designating stereomicroscope 2 (see page 4, the paragraph beginning at line 19, of the present specification), was inadvertently not included on Figs. 1 and 2. Submitted herewith, for the Examiner's consideration, are corrected Figs. 1 and 2 adding the missing reference numeral 2. Applicants apologize for the oversight.

Rejection under 35 U.S.C. §103 (a) to claims 1, 4-8, and 10

Claims 1, 4-8 and 10 were rejected under 35 U.S.C. §103 (a) as being unpatentable over Hellmuth et al., U.S. Patent No. 5,795,295 in view of Kempe, U.S. Patent No. 6,151,127.

Hellmuth et al. describes an OCT-assisted surgical microscope having a neurosurgical microscope and an OCT-scanner 420. See Col. 3, line 65 through Col. 4, line 5 and Fig. 1. As noted by the Examiner, Hellmuth does not disclose a confocal scanning device.

Kempe describes a confocal microscopy system scanning device 26 wherein an illuminating beam is modulated and a return beam from a specimen is demodulated. See Abstract and Fig. 1.
See MPEP 715.

Independent claims 1 and 7 of the present application recites an arrangement and a stereomicroscope, respectively, for visual and quantitative three-dimensional examination of specimens, including “a confocal scanning device [is] connected to the stereomicroscope”. It is respectfully submitted that neither Hellmuth et al. nor Kempe discloses this feature of claims 1 and 7. In contrast, Hellmuth et al. describes a surgical microscope having an OCT (optical coherence tomography transverse) scanner 420. See Col. 3, line 65 through Col. 4, line 5 and Fig. 1. As noted by the Examiner, Hellmuth et al. does not disclose a confocal scanning device. See Office Action at section 3, second paragraph lines 10-11. Furthermore, the system of Kempe includes no stereomicroscope.

It is respectfully submitted that there is no suggestion in the prior art to combine Hellmuth et al. with Kempe, and that even if these references could properly be combined, the combination would not provide the claimed invention. Hellmuth et al. uses a tomography scanner for, for example, mapping oxygenation of brain tissue. See Abstract and Col. 11, lines 14-21. The tomography scanner of Hellmuth et al. has nothing to do with a confocal scanning device. The tomography scanner of Hellmuth et al. appears to work for its intended purpose, no recognition being indicated any need which could be satisfied by using a confocal scanning device, as recited in claims 1 and 7. Kempe describes a confocal microscopy system utilizing heterodyne detection to provide image sections of tissue. See Abstract. Kempe appears to work for its intended purpose and recognizes no need which could be satisfied by connecting the confocal scanner to a stereomicroscope, as recited in claims 1 and 7. Thus no motivation is present in either of Hellmuth et al. or Kempe to combine these two references.

Even if Hellmuth et al. and Kempe could somehow be properly be combined, it is respectfully submitted that the combination would not provide an arrangement or a stereo microscope “for visual and quantitative three-dimensional examination of specimens” including “a confocal scanning device [is] connected to the stereomicroscope,” as required by claims 1 and 7. Kempe describes a confocal microscopy system having a scanning device 26 disposed in the illumination and detection beam path 22. See Col. 4, lines 32-49, and Fig. 1. Connecting the confocal scanning device of Kempe with the surgical microscope of Hellmuth et al. would not provide a working device, as the scanning device disposed in the illumination and detection path would interfere with three-dimensional viewing of the specimen.

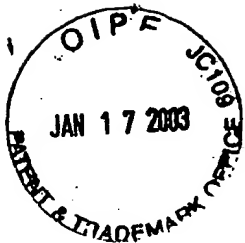
For at least the reasons stated above, withdrawal of the rejection of independent claims 1 and 7, as well as dependent claims 4-6, 8, and 10, under 35 U.S.C. §103 (a) based on Hellmuth et al. in view of Kempe as is hereby respectfully requested.

Rejection under 35 U.S.C. §103 (a) to claims 2, 3 and 9

Claims 2, 3 and 9 were rejected under 35 U.S.C. §103 (a) as being unpatentable over Hellmuth et al. in view of Kempe, as applied to claims 1 and 8, and further in view of Kitagawa et al., U.S. Patent No. 6,297,904 B1.

Kitagawa et al. describes an inverted confocal microscope. See Abstract.

Claims 2 and 3 properly depend from, and therefore include all the limitations of, independent claim 1, and claim 9 properly depends from, and therefore includes all the limitations of, independent claim 7. As discussed above, claims 1 and 7 are patentable over Hellmuth et al. and Kempe. Because Kitagawa et al. does not provide the above-discussed missing features of claims 1 and 7, even if Kitagawa et al. could be properly combined with Hellmuth et al. and Kempe (which it is asserted it could not) dependent claims 2, 3 and 9 would



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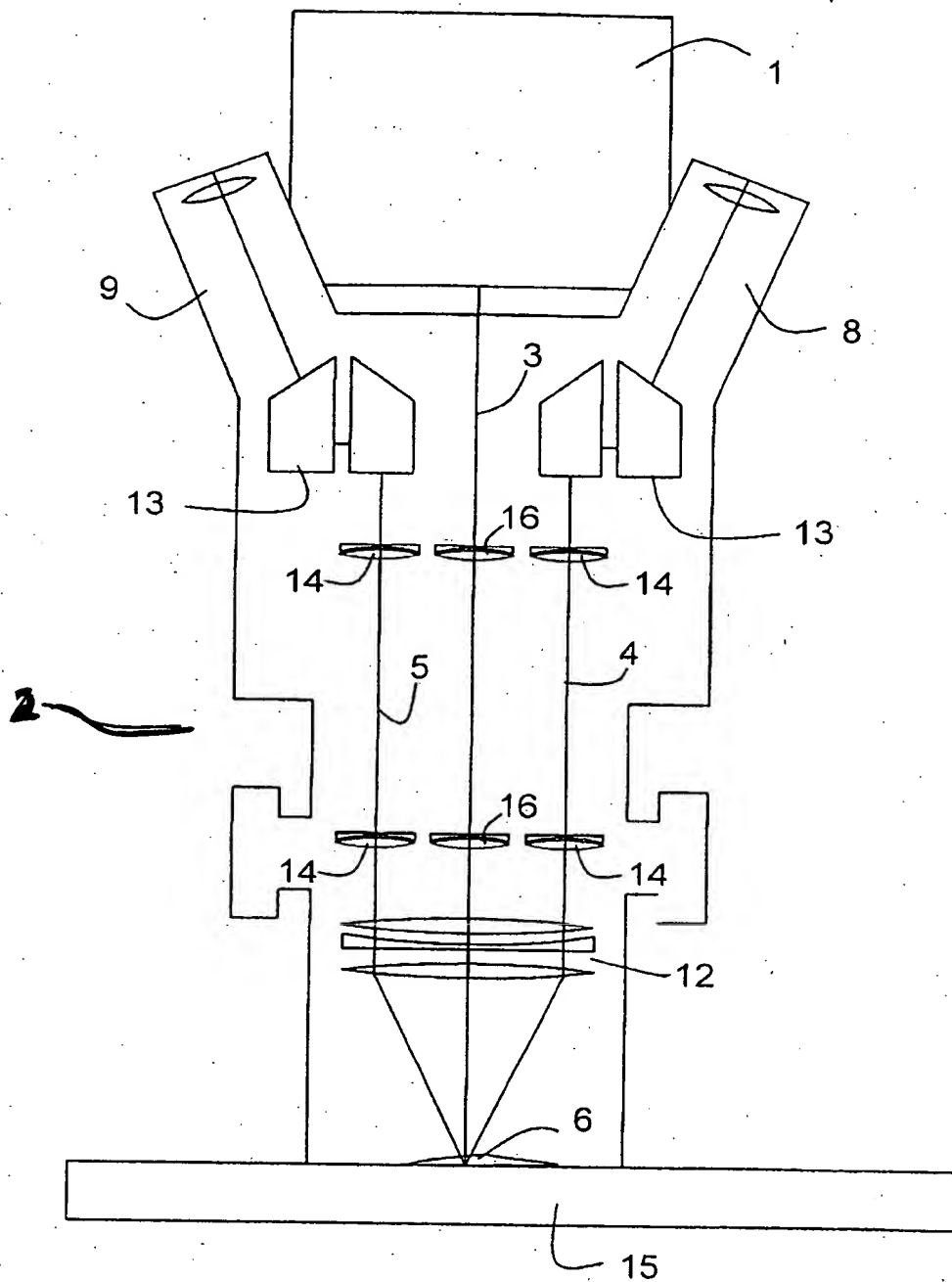


Fig. 1



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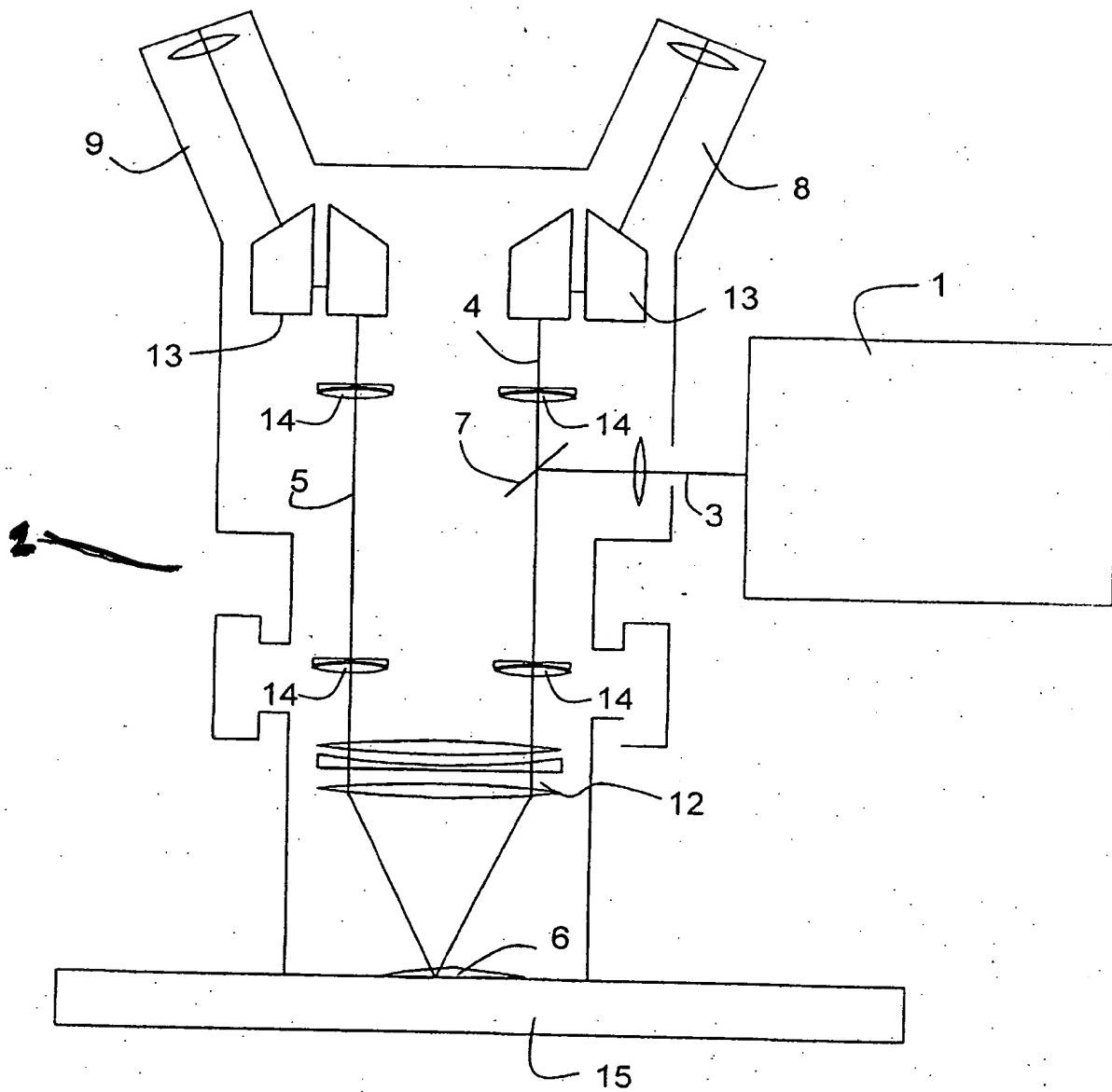


Fig. 2